mitted "Sulfox" to Eaton as requested in his letter that would not have been an interstate shipment. However, the Supreme Court, in considering Grimm's case on error, made no mention of the position taken by Judge Thayer, but rested its affirmance on other ground. Mr. Justice Brewer, speaking for the court in that case, says: "It does not appear that it was the purpose of the post-office inspector to induce or solicit the commission of a crime, but it was to ascertain whether the defendant was engaged in an unlawful business." This language is a clear indication of the importance of the purpose of the Government agent, that is, as to whether the act which he requests the citizen to do is for the purpose of inducing him to violate the statute. That this is so is more definitely stated in Price *v.* United States, 165 U. S., 311, at page 315: "It appears from the bill of exceptions that the Government inspector who investigated the prosecution of this case had been informed that the statute was being violated, and for the purpose of discovering the fact whether or not the plaintiff in error was engaged in such violation, the inspector wrote several communications of the nature of decoy letters, which are set forth in the record, asking the plaintiff in error to send him through the mail certain books of the character covered by the statute, which the plaintiff in error did, as is alleged by the prosecution and as has been found by the verdict of the jury. This has been held to constitute no valid ground of objection." The excerpt from the Grimm case is repeated in Andrews *v.* United States, 162 U. S., 420. The stipulation does not disclose that the defendant here has ever sent "Sulfox" in interstate shipment other than the two bottles to Eaton in response to his letter. Eaton's failure to induce the defendant to violate the statute by shipping to the druggist, his letter to the defendant, the absence of facts as a basis from which he could believe or suspect that the defendant had on other occasions violated the statute, and the stipulation, causes me to reach the conclusion that he wrote the letter to the defendant, not for the purpose of discovering violations but with the intention and purpose of inducing the defendant to violate the statute, and that on these facts Grimm's case is not an authority in support of the prosecution, and that in the interests of a sound public policy the defendant should be found not guilty and discharged. Woo Wai *v.* U. S., 223 Fed., 412; Sam Yick *v.* U. S., 240 Fed., 60.

S346. Adulteration and misbranding of Pepso-Laxatone. U. S. * * * v. 10 Dozen Bottles of Drugs Called Pepso-Laxatone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11870. I. S. No. 561-r. S. No. E-1919.)

On January 7, 1920, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of a certain article, labeled "Pepso-Laxatone," at Atlanta, Ga., consigned by the Burlingame Chemical Co., Los Angeles, Calif., alleging that the article had been shipped on or about August 13, 1919, and transported from the State of California into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a solution composed essentially of extractives of cascara sagrada, hydrochloric and lactic acids, sugar, alcohol, and water, with not to exceed 0.006 gram of pepsin per fluid ounce and not more than a trace of pancreatin and diastase.

Adulteration of the article was alleged in the libel in that the strength of the article fell below the professed standard and quality under which it was sold.

Misbranding of the article was alleged in that the statement on the labels and packages containing the article, regarding it, to wit, "Pepso-Laxatone is a solution of Pepsin, Diastase, Pancreatine," was false and misleading in that it represented that the product contained a substantial amount of pepsin, diastase, and pancreatin, whereas, in truth and in fact, the article contained not more than a trace of pepsin, and not more than a trace of pencreatin and diastase. Further misbranding was alleged in that the statements on the labels and on the packages, regarding the curative and therapeutic effects of the article, falsely

and fraudulently represented the article to be effective as a permanent relief for habitual constipation, gastric disorders, and indigestion, whereas, in truth and in fact, it was not effective.

On June 24, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

S347. Adulteration and misbranding of tomatoes. U. S. * * * v. 550 Cases of Blue Dot Tomatoes and U. S. * * * v. 124 Cases of Blue Dot Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 11877, 11878. I. S. Nos. 9196-r, 9197-r. S. No. C-1674.)

On January 13, 1920, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain quantities of a certain article, labeled in part "Blue Dot Tomatoes * * * Packed by Winfield Webster & Co., Main Office, Vienna, Md.," at Gulfport, Miss., alleging that the article had been shipped on or about September 11, 1919, by Winfield Webster & Co., Vienna, Md., and transported from the State of Maryland into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that tomato pulp had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength. Further adulteration was alleged in that tomato pulp had been substituted in part for the article.

Misbranding of the article was alleged in that the statement, "Blue Dot Tomatoes," was false and misleading and deceived and misled the purchaser. Further misbranding was alleged in that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 8, 1920, Winfield Webster & Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

S348. Misbranding of Stillwagon's Medicated Stock Food. U. S. * * * v. 5 Packages, 24 Ounces Each, and 5 Packages, 64 Ounces Each, of Stillwagon's Medicated Stock Food. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12517. I. S. No. 9266-r. S. No. C-1833.)

On March 18, 1920, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 packages, 24 ounces each, and 5 packages, 64 ounces each, of Stillwagon's Medicated Stock Food, remaining in the original unbroken packages at Bunker Hill, Ill., alleging that the article had been shipped by the Stillwagon Food Mfg. Co., St. Louis, Mo., on or about January 3, 1920, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (carton) "* * * Stillwagon's Food * * * For all diseases arising from Indigestion and Impure Blood; also a preventative for Hog Cholera. * * * Scours in Calves * * * An Invaluable Remedy in